

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

J&J SPORTS PRODUCTIONS, INC.,
as Broadcast Licensee of the
July 15, 2006 Mosley/Vargas Event,

Plaintiff,

V.

(1) BOURBON STREET BAR & GRILL, L.L.C., Individually and d/b/a BOURBON STREET BAR & GRILL a/k/a VOODOO LOUNGE a/k/a PORKY'S SALOON; and
(2) THEO DIMOPOULOS a/k/a THEODORE DIMOPOULOS, Individually and d/b/a BOURBON STREET BAR & GRILL a/k/a VOODOO LOUNGE a/k/a PORKY'S SALOON,

Defendants.

Civil Action No. H-09-2225

PLAINTIFF'S MOTION FOR SUBSTITUTE SERVICE

Plaintiff J&J Sports Productions, Inc. (“Plaintiff”) files *Plaintiff’s Motion for Substitute Service* and asks the Court to authorize substitute service, pursuant to FED. R. CIV. P. 4(e)(1) and TEX. R. CIV. P. 106 on Defendant Theo Dimopoulos a/k/a Theodore Dimopoulos, Individually and d/b/a Bourbon Street Bar & Grill a/k/a Voodoo Lounge a/k/a Porky’s Saloon (“Defendant”).

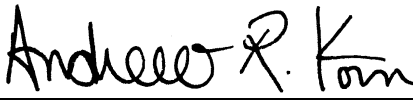
1. Plaintiff has attempted to serve Defendant, by personal delivery, but has not been successful in serving the Defendant.

2. Attached hereto as Exhibit “A” is the affidavit of Clint Lovejoy, Jr., an authorized person to serve process, and is incorporated herein for all purposes as if set forth fully below. The affidavit is attached to establish facts not apparent from the record.

3. Plaintiff asks the Court to authorize it to serve Defendant, by delivering a true

copy of the (1) *Summons*; (2) *Plaintiff's Original Complaint*; (3) *Plaintiff's Disclosure Statement and Certificate of Interested Persons*; and (4) *Order for Conference and Disclosure of Interested Parties* to anyone over sixteen years of age at 8005 Piedrabuena Drive, Corpus Christi, Texas 78414, or securely attaching a true and correct copy of the (1) *Summons*; (2) *Plaintiff's Original Complaint*; (3) *Plaintiff's Disclosure Statement and Certificate of Interested Persons*; and (4) *Order for Conference and Disclosure of Interested Parties* to the door at 8005 Piedrabuena Drive, Corpus Christi, Texas 78414. Such service is reasonably effective to give Defendant notice of this suit.

Respectfully submitted,

By: 

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ATTORNEYS FOR PLAINTIFF
J&J SPORTS PRODUCTIONS, INC.

EXHIBIT “A”

AFFIDAVIT FOR SUBSTITUTED SERVICE UNDER RULE 106/536

CAUSE/ASSESSMENT NO: H092225

J&J SPORTS PRODUCTIONS, INC., AS BROADCAST LICENSEE OF THE
JULY 15, 2006 MOSLEY/VARGAS EVENT

VS.

BOURBON STREET BAR & GRILL, LLC., INDIVIDUALLY & DBA BOURBON ST.
BAR & GRILL AKA VODOO LOUNGE AKA PORKY'S SALOON; THEO DIMOPOULUS
AKA THEODORE DIMOPOULUS, IND. ET ALBEFORE ME the undersigned authority, on this day personally appeared Clint Lovejoy Jr.
who after being duly sworn, did upon oath state the following:

1. My name is Clint Lovejoy Jr. : I am a private process server authorized to deliver process in this cause pursuant to court order. I am over the age of eighteen (18) years and am fully competent to testify to the matters stated in this affidavit. I have personal knowledge of the facts and statements contained in this affidavit and each is true and correct.
2. On the 07/24/09 I was assigned to deliver a copy of the SUMMONS; PLAINTIFF'S ORIGINAL COMPLAINT; PLAINTIFF DISCLOSURE STATEMENT & CERTIFICATE OF INTERESTED PERSON; ORDER FOR CONFERENCE AND DISCLOSURE OF INTERESTED PARTIES; JOINT DISCOVERY upon the defendant DIMOPOULOS, THEO A/K/A Dimopoulos, Theodore
3. I have made several attempts to obtain personal service of process at the defendant's usual place of abode/business or by delivering by certified mail to the defendant's usual mailing address on the dates and times listed below:

DATES	TIMES	ADDRESS / RESULTS OF VISIT	Raf# C90700019
07/24/2009	15:43 PM	315 N. CHAPARRAL STREET Corpus Christi TX 78401 I SPOKE WITH ERIC HANER, WHO STATED THAT THE SUBJECT IS THE OWNER AND IS NOT IN THE OFFICE VERY OFTEN.	
07/24/2009	19:16 PM	8005 PIEDRABUENA DRIVE Corpus Christi TX 78414 NO RESPONSE AT DOOR, LEFT DELIVERY NOTICE, NO VEHICLES IN DRIVEWAY. THE SUBJECTS LAST NAME IS ON THE DOOR.	
07/25/2009	9:23 AM	8005 PIEDRABUENA DRIVE Corpus Christi TX 78414 THE SUBJECT DOES RESIDE AT THIS ADDRESS BUT IS NOT HOME AT THIS TIME. LEFT DELIVERY NOTICE WITH MALE MINOR. TWO VEHICLES PRESENT, LICENSE# 132RZC LAMBROS J PETROPOULOS 10/2009, AND 057BD1 NO INFORMATION LOCATED.	
07/25/2009	14:40 PM	8005 PIEDRABUENA DRIVE Corpus Christi TX 78414 THE SUBJECT DOES RESIDE AT THIS ADDRESS BUT IS NOT HOME AT THIS TIME. LEFT DELIVERY NOTICE WITH MALE MINOR.	
07/28/2009	18:15 PM	8005 PIEDRABUENA DRIVE Corpus Christi TX 78414 NO RESPONSE AT DOOR, LEFT DELIVERY NOTICE, ONE VEHICLE IN DRIVEWAY LICENSE SYC-858 ROSARIO VARGAS 4/10	

I believe the defendant will be given reasonably effective notice of this suit by delivering a true copy of the documents stated in item (2) above to anyone over sixteen years of age at 8005 PIEDRABUENA DRIVE Corpus Christi TX 78414 the above address or by attaching it securely to the front entry way at the above address, which is the party's usual place of abode or business, or by delivering First Class Mail pursuant to the provisions of Rule 106/536, Texas Rules of Civil Procedure.

DATE: 7-29-09 AFFIANT'S SIGNATURE Clint Lovejoy Jr.
SCH-1586

SUBSCRIBED TO AND SWORN to before me this 29 day of July 2009.
C90700019 Monica Krejci

